



TIPS FOR WORKING WITH YOUR PROBATE DEPARTMENT

Respect ex parte boundaries

- ❖ Don't try to talk about a specific case with someone who will be reviewing the file
- ❖ Keep your questions general

Think like a Probate Attorney

- ❖ Check your local bar association for a probate group
- ❖ Does your court hold "bench/bar" lunches or meetings just for probate?
- ❖ What kind of access does an outside probate attorney have? Are notes posted on line? Are there public hours for talking with examiners or investigators? Does the clerk's office have any services in probate cases, such as providing information on probate notes?

Network with Probate People

- ❖ Southern California hosts a Probate Roundtable for court probate staff & judges. Can you get invited?
- ❖ CJER puts on a Probate Institute once a year, plus basic training once a year. Can you get the materials or "audit" a particular session?

Use the Self Help Center Guidelines

- ❖ **Self Help Center Guideline:** “6. The self-help center staff should be included in regular meetings with court administration, judicial officers, and other operational staff to discuss administrative and general issues facing self-represented litigants. ”
- ❖ Can you start attending regular meetings for the clerks or the probate judges?

Understand the Needs of the Probate Department

- ❖ MCLE requirements: CRC 10.478 requires 18 to 30 hours of specific job requirement content for probate attorneys, examiners, and court investigators.
 - Can you put on MCLE classes for the department?
 - Will the department already have in-house training you can join?
- ❖ Experience requirements: CRC 10.776 requires probate attorneys and examiners to have some background with the courts and/or probate.
 - Can you augment your self help staff with other court employees by allowing the other court staff to run conservatorship or guardianship clinics, or could they be trained to work in your department so that these other employees can gain experience in probate?

Understand How Probate Employees Think

- ❖ Almost every answer can be found in the Probate Code or Probate Rules of Court. You just have to keep looking until you find it.
- ❖ An examiner's job is to look for procedural problems and to get these problems fixed, so that the judge can make a substantive ruling.
- ❖ Investigators are geared toward talking with people who are either the subject of a probate conservatorship or who are already in conservatorship. They deal with issues of due process, capacity, undue influence, and elder abuse. They write reports for the bench officers.
- ❖ All people working in probate are quite detailed oriented.

Understand their Partners

- ❖ Court Investigators may not always be part of the "Probate Department", but they are a vital part of the system.
 - Can you provide training to them on some basic law subjects or maybe they are in a better position to train you?
 - They can tell you how self help could better assist the self represented litigants when it comes to dealing with the Court Investigators. What information will self represented people need to provide to the CIs? What documentation? What does a typical investigation include?

Understand their Stomachs

- ❖ Never underestimate the power of a food bribe.